

REMARKS

Claims 18, 19, 22, 24, and 54-56 are pending after the amendment. Claims 1 and 11 have been merged into Claim 18, and Claim 18 has been further amended to be directed to a method performed by a system of linked gaming machines. Claim 54 has been amended to be similar to Claim 18 in various respects. Other claims have been previously withdrawn as being directed to a non-elected subspecies.

The Abstract has been amended to be 143 words and is now directed to the pending claims.

The 112 rejection of Claim 1 has been overcome by cancelling Claim 1 and using in Claim 18 the phrase “outcomes of the free games played” rather than “a certain outcome of the free games played.”

Only Claims 18 and 54 are now independent.

The focus of the inventions in Claims 18 and 54 is the dynamic funding of the “free game pot” (Claim 18) or “funding pot for funding the [free game] bonus round” (Claim 54), where the pot is common to all the linked gaming machines participating in the free game round. All the free games (or bonus games) are funded by the “free game pot” (Claim 18) or “funding pot for funding the [free game] bonus round” (Claim 54). (Both pots will be referred to as a free game pot.) The free game pot is funded at dynamically changing levels depending on how much is calculated as being needed to completely fund a certain number of the free games in the free game round and how much is already in the pot. There is no real benefit in over-funding the free game pot, so typically, once the free game pot is adequate, any excess funding goes toward funding other jackpots. The amount needed in the free game pot to fund a free game round will typically depend on the number of eligible machines (usually less than all the linked machines) and the worst case scenario (page 7, lines 7-26).

In view of the previous restriction requirement, limiting the claim species to those claims related to dynamically changing the percentage of wagers to a “free game pot” (Claim 18) or a “funding pot for funding the [free game] bonus round” (Claim 54), the elected claims only make sense when the pots are common to a system of linked gaming machines (shown in Fig. 1). Otherwise, if only one gaming machine were involved, there would be no need to

allocate any money to a free game pot or a funding pot, since all the money would come from the single machine anyway. Therefore, Claims 18 and 54 have been amended accordingly.

Claims 18 and 54 have also been amended to make clear that the percentage of wagers when funding the free game pot is less than 100%. This is supported by common sense and the specification as a whole, since an allocation of 100% of the wagers to the free game pot would result in no money left to pay the players for ordinary wins, and the pot would fill up extremely quickly. (In reality, the percentage of wagers typically allocated to all pots is less than 1%.) In any event, support for less than 100% is found on page 8, lines 26-27 (where multiple pots are being filled at any percentage determined by the casino), and page 9, lines 3-8, where the free game pot is being funded while other pots are funded by “a non-zero percentage.”

Dependent claims have been amended to be consistent with the amended Claims 18 and 54.

The examiner rejected Claims 18 and 54 (which are narrower after the present amendment) as being obvious over Bennett (US 6,224,482) in view of a very old description of a purely mechanical slot machine in a book by Bueschel.

Bennett was cited for teaching a free bonus game that can win a jackpot when the player has achieved a trigger condition. As is conventional, the jackpot is progressive and continues to be accumulated based on a fixed percentage of wagers into all machines that can win the jackpot. The examiner stated that Bennett does not disclose any dynamic allocation of the percentage of wagers used to fund the jackpot.

Importantly, Applicant’s invention of Claims 18 and 54 is for funding a free game pot (not a jackpot), which does not benefit from continuing to increase, unlike a progressive jackpot whose lure is to constantly increase until won. Once Applicant’s free game pot is adequate to fund the free game round, the dynamic allocation to it will go down. There is no reason for dynamically changing the rate of increase of a progressive jackpot.

The examiner cites Bueschel for teaching an ancient slot machine that can pay a jackpot upon a certain combination of symbols occurring. The “full” jackpot level is a fixed amount and had to be filled quickly to attract players. If the jackpot was below its full level, every coin deposited would be directed into the jackpot (100% allocation). When the jackpot

was full, no more coins (0%) would be directed into the jackpot. So, the jackpot was “dynamically” filled at 100% or not filled at all (0%) out of necessity.

The combination of Bennett and Bueschel would not make obvious Applicant’s Claims 18 and 54. Firstly, Applicant’s Claim 18 states that the “percentage of wagers from the paid games when funding the free game pot is less than 100%.” (Claims 54 has similar language.) In contrast, the Bueschel percentage of the wagers “when funding” the jackpot is by necessity 100%.

Secondly, Applicant’s free game pot is not a jackpot, so the Bueschel allocation is for a different purpose. Applicant free game pot funds all wins during multiple games in a free game round. The amount needed for the free game pot is variable and depends on the number of machines involved in the free game round, the number of free games, and the total amount that can be won (typically in a worst case scenario). Such considerations do not exist with a jackpot, so the two concepts cannot be applied to one another.

Thirdly, the Bueschel technique is a product of a purely mechanical machine that could not electronically determine an amount to pay a player for a jackpot win. In Applicant’s Claims 18 and 54, if only a stand-alone machine (like Bueschel’s machine) were used to play the free games, there would be no purpose in allocating money to a separate free game pot since all money would come from the same machine anyway. So, no one reading the Bueschel ad would think that it could apply in any way to a free game pot common to a plurality of linked machines.

There are other reasons that the combination of the cited art would not suggest Claims 18 and 54.

The dependent Claims 19, 22, 24, 55, and 56 are non-obvious for at least the reasons given for Claims 18 and 54.

The examiner is invited to call Applicant's attorney if there are any questions or proposed claim clarifications at 408-382-0480 x202.

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